

The City Council of the City of Mattoon held a rescheduled meeting in the Council Chambers at City Hall on February 4, 2008 at 7:00 p.m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call: Absent Commissioner Randy Ervin, YEA (physically present) Commissioner Rick Hall, YEA (physically present) Commissioner Joseph McKenzie, YEA (physically present) Commissioner David Schilling, YEA (physically present) Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Deputy Police Chief Adam Weinstock, Community Development Coordinator Kyle Gill, Intern Courtney Cooper, Water Treatment Plant Superintendent Jim Lang, Technology Coordinator Brian Johanpeter, and City Clerk Susan J. O'Brien.

Mayor Cline seconded by Commissioner Hall moved to permit the electronic attendance of Commissioner Randy Ervin due to employment purposes.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin attended presently by means of audio conference at 7:02 p.m.

Mayor David Cline opened the public hearing regarding the closure of a portion of North 16th Street at the south end of YMCA property at 7:03 p.m. in the City of Mattoon City Hall Council Chambers. City Attorney & Treasurer J. Preston Owen conducted the hearing and introduced the YMCA's desire to close the street. Public Works Director David Wortman reviewed a possible layout of the closure including a barrier curb, one-way traffic to the north, the south portion to be defined, and traffic counts indicating at least 50% YMCA patrons. Attorney & Treasurer Owen introduced Michael Wall and Jim Crowder of the YMCA. Mr. Crowder announced the YMCA Board's passage of a resolution requesting action by the City Council to close 16th Street, resolving safety issues and wishes of donors to their capital campaign. Attorney & Treasurer Owen opened the floor for questions or comments from the public. Mr. Chris Rankin inquired as to a vacation of the street. Attorney & Treasurer Owen responded the City would close the street and modify the traffic flow. With no further questions or comments Mayor David Cline closed the public hearing at 7:13 p.m.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve the consent agenda consisting of: minutes of the regular meeting January 15, 2008; police department 2007 annual report and fire department report for the month of January, 2008, payroll and bills for the last half of January, 2008.

Bills and Payroll for the last half of January, 2008

General Fund

Payroll	\$	257,536.85
Bills	\$	<u>356,056.70</u>
Total	\$	613,593.55

Hotel Tax Fund

Payroll	\$	1,570.95
Bills	\$	<u>25,157.80</u>
Total	\$	26,728.75

Festival Management

Bills	\$	<u>7,786.81</u>
Total	\$	7,786.81

Insurance & Tort Judgment

Bills	\$	<u>138,293.00</u>
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	Total	\$ 138,293.00
	<u>Midtown TIF Fund</u>	
Bills		\$ 23,369.43
	Total	\$ 23,369.43
	<u>I-57 East TIF District</u>	
Bills		\$ 238.46
	Total	\$ 238.46
	<u>Water Fund</u>	
Payroll		\$ 26,351.95
Bills		\$ 53,828.28
	Total	\$ 80,180.23
	<u>Sewer Fund</u>	
Payroll		\$ 28,058.80
Bills		\$ 52,998.25
	Total	\$ 81,057.05
	<u>Cemetery Fund</u>	
Payroll		\$ 3,367.57
Bills		\$ 280.09
	Total	\$ 3,647.66
	<u>Health Insurance</u>	
Bills		\$ 77,832.71
	Total	\$ 77,832.71
	<u>Motor Fuel Tax Fund</u>	
Bills		\$ 69.82
	Total	\$ 69.82

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for public presentation, petitions and communications. There were no public presentations or discussion.

Commissioner Schilling seconded by Commissioner Hall moved to approve Council Decision Request 2008-841, approving the specification for a guaranteed energy savings contract, and authorizing the request for proposals.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Resolution 2008-2730, amending Resolution 2007-2708 to authorize Alan Gilmore, Preston Owen, Mayor David Cline to execute agreements and amendments for implementation to the Federal Transit Administration projects on behalf of the City.

CITY OF MATTOON, ILLINOIS

RESOLUTION 2008-2730

**RESOLUTION AMENDING RESOLUTION 2007-2708 AUTHORIZING THE EXECUTION OF AGREEMENTS WITH
THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED
STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49
U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY
THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, do to the untimely death of Mayor Charles E. White, the authorizations contained in City of Mattoon Resolutions 2007-2693 and 2007-2708 are now null and void for purpose of executing Federal Transit Administration grant documents, and

WHEREAS, the City Council of the City of Mattoon has appointment of David W. Cline as City of Mattoon Mayor to fulfill the remaining term of former Mayor Charles E. White, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

That City of Mattoon's Mayor, City Administrator, and City Attorney are authorized to execute and file grant application documents for Federal assistance on behalf of the City Council with the Federal Transit Administration for Federal assistance authorized by 49 U.S. C, Chapter 53, Title 23, United States Code, or the Federal statutes authorizing a project administered by the Federal Transit Administration.

The Mattoon City Council hereby authorizes Mayor David W. Cline; City Administrator Alan Gilmore; and City Attorney & Treasurer J. Preston Owen to execute grant agreements and amendments, as necessary to implement Federal Transit Administration Historic Depot Renovation project on behalf of the City of Mattoon.

Upon motion by Mayor Cline, seconded by Commissioner Schilling adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
 (in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
 YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2008-842, approving the Mayor's re-appointment of Rich Fanelli and Ken Wooddell for three year terms expiring 09/01/2010 and Keith Summers for four-year term to the Tourism Advisory Committee expiring 09/01/2011.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Schilling moved to approve Council Decision Request 2008-843,

authorizing IDOT to proceed with accepting a bid of \$847,619.16 from A. J. Walker Construction Company for the reconstruction of the 9th Street Bridge.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-844, approving the application for a \$10,000 wetlands watershed grant from the National Fishing & Wildlife Foundation for planning of a wetland at Lake Paradise, and authorizing the Mayor to sign all documents.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Hall moved to approve Council Decision Request 2008-845, authorizing the Council to accept proposals for the 2008 MFT General Street Maintenance Program from:

Larry Heuerman for Oil and Chip in the amount of \$73,891.40
Charleston Stone for Crushed Stone in the amount of \$40,570.50
Mid Illinois Concrete for PCC Concrete in the amount of \$9,000.00
Howell Paving for Bit Surface Hot mix in the amount of \$30,000.00

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-846, approving the bid specifications, and authorizing a competitive solicitation for water chemicals at the Water Treatment Plant, and authorizing the mayor to sign the documents.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2008-847, approving the FMLA Employer Notice.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to adopt Special Ordinance 2008-1262, approving the variance for a setback to 1317-1321 Charleston Avenue for the construction of a building. Scott & Brenda Stoltzfus- Petitioners.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2008-1262

AN ORDINANCE AUTHORIZING A VARIANCE OF THE SETBACK DIMENSION TO ENABLE CONSTRUCTION OF A BUILDING ON LOTS FIVE (5) AND SIX (6) IN BLOCK ONE HUNDRED FIFTY-ONE (151) IN THE ORIGINAL TOWN, NOW CITY OF MATTOON, COLES COUNTY, ILLINOIS - BAL ESTATE COMPANY, SCOTT WAYNE STOLTZFUS AND BRENDA SUE STOLTZFUS, APPLICANTS.

WHEREAS, a Petition for Variance was filed with the City Clerk for the City of Mattoon by BAL ESTATE COMPANY, SCOTT WAYNE STOLTZFUS and BRENDA SUE STOLTZFUS on the 21st day of December, 2007 requesting that the City of Mattoon, Illinois grant a variance on setback to twelve (12) feet for the real estate described as follows:

LOTS FIVE (5) AND SIX (6) IN BLOCK ONE HUNDRED FIFTY-ONE (151), IN THE ORIGINAL TOWN, NOW CITY OF MATTOON, COLES COUNTY, ILLINOIS. (Also known as 1317-1321 Charleston Avenue, Mattoon, Illinois.)

WHEREAS, a public hearing was held before the Zoning Board of Appeals for the City of Mattoon on the 15th day of January, 2008, pursuant to published notice;

WHEREAS, the Zoning Board of Appeals forwarded the report of the public hearing to the Mattoon Planning Commission;

WHEREAS, said Mattoon Planning Commission considered said Petition for Variance and recommended the Petition for Variance be approved by the Zoning Board of Appeals and the City Council of the City of Mattoon;

WHEREAS, said Zoning Board of Appeals considered said Petition for Variance at a meeting held on the 4th day of February, 2008 and recommended that said Petition for Variance be approved;

WHEREAS, this City Council believes that said Petition for Variance should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mattoon, Illinois as follows, to-wit:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Variance submitted by BAL ESTATE COMPANY, SCOTT WAYNE STOLTZFUS and BRENDA SUE STOLTZFUS is in compliance with Chapter 159 of the Code of Ordinances of the City of Mattoon and is hereby approved and that the premises described in said Petition for Variance shall be granted a variance of the setback to twelve (12) feet, all as described in said Petition.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This Ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner McKenzie, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2008-1263, approving the rezoning of property located at 1704 Walnut Avenue from R-1 (Residential) to C-3 (Service Commercial District). David & Patricia Wallace – Petitioners.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2008-1263

AN ORDINANCE FOR A VARIANCE AND REZONING 1704 WALNUT AVENUE FROM R-1, SINGLE FAMILY RESIDENTIAL TO C-3, SERVICE COMMERCIAL DISTRICT

WHEREAS there has been filed a written Petition by David M. and Patricia L. Wallace, respectfully requesting the change in zoning from R1, Single Family Residential to C3, Service Commercial District on the property legally described as:

Lots 4, 5, and 6, Block 3 in Richmond's Addition to the City of Mattoon and all
that part of lot 3 in Block 3 in Richmond's Addition to the City of Mattoon, lying
west of the right of way of the Illinois Central Railroad, Coles County, Illinois.
Commonly known as 1704 Walnut Avenue, Mattoon, Illinois

WHEREAS the above-described premises are within the corporate limits of the City of Mattoon, and is less than forty thousand (40,000) coterminous square feet and a variance is requested to allow rezoning for less than forty thousand (40,000) coterminous square feet; and

WHEREAS the current zoning of the property is R-1, Single Family Residential, and the rezoning request is in keeping with the zoning of the area and is beneficial to the petitioner for construction of a post-frame building for a vinyl graphics business on the property; and

WHEREAS the Zoning Board of Appeals held a properly noticed public hearing on January 15, 2008 regarding petitioners' request for said variance and rezoning; and

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois have recommended that the requested variance and rezoning be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the variance and rezoning on the premises described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be granted a variance for rezoning less than forty thousand (40,000) coterminous square feet and the same is rezoned from R1, Single Family Residential to C3, Service Commercial District.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Cline seconded by Commissioner Schilling, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Schilling moved to approve Council Decision Request 2008-848, authorizing the employment of Ethan Ervin as a replacement Waste Water Treatment Plant Operator I, effective February 5, 2008.

Mayor Cline opened the floor for questions or comments. Director Wortman introduced Ethan Ervin and announced he was no relation to Commissioner Ervin. Commissioner Hall had spoken with Mr. Ervin and believed he was a qualified person.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Resolution 2008-2731, authorizing the engagement of Gilmore & Bell as bond counsel to provide legal services to the City in connection with the redevelopment of the Cross County Mall and the issuance by the City of obligations secured by tax increment financing revenues and business district revenues.

CITY OF MATTOON, ILLINOIS

RESOLUTION 2008-2731

A RESOLUTION APPROVING A LETTER OF ENGAGEMENT FOR LEGAL SERVICE PROVIDED BY GILMORE & BELL INCONJUNCTION WITH THE REDEVELOPMENT OF THE CROSS COUNTY MALL AND THE ISSUANCE BY THE CITY OF OBLIGATIONS SECURED BY TIF AND BUSINESS DISTRICT REVENUES AND AUTHORIZING THE MAYOR TO EXECUTE THE ENGAGEMENT LETTER

WHEREAS, the City of Mattoon finds that there is a spirit of mutual cooperation between the City and the management of the Cross County Mall to renovate their property and restore the Mall as a retail and social center of the community, and

WHEREAS, the City of Mattoon and the management of the Cross County Mall have conducted preliminary discussions concerning the redevelopment of the Mall, and

WHEREAS, the result of these preliminary discussions has yielded progressive indications from the Mall of their desire to redevelop the property in the form of preliminary designs and cost estimates, and

WHEREAS, the City's Urban Consultant has recommended the firm of Gilmore & Bell to represent the City of Mattoon in these matters, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, the Mayor is hereby authorized to engage the services of the firm of Gilmore & Bell to represent and counsel the City in these matters, furthermore the Mayor shall execute the attached engagement letter and other documents as need to move forward with this endeavor.

Upon motion by Mayor Cline, seconded by Commissioner Schilling, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.
/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O’Brien /s/ J. Preston Owen
Susan J. O’Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. Mayor Cline announced the counsel was not related to Administrator Gilmore.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Resolution 2008-2732, approving the Technical Assistance Contract with PGAV, and authorizing the Mayor to sign all documents necessary to execute the contract.

CITY OF MATTOON, ILLINOIS

RESOLUTION 2008-2732

A RESOLUTION APPROVING AN AGREEMENT FOR TECHNICAL SERVICES AND ASSISTANCE BETWEEN THE CITY OF MATTOON AND THE FIRM OF PECKHAM GUYTON ALBERS AND VIETS, INC.; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED AGREEMENT AND OTHER RELEVANT DOCUMENTS

WHEREAS, the City of Mattoon is committed to economic development and redevelopment of the community, and

WHEREAS, the City has previously engaged the services of the Urban Consulting firm of Peckham, Guyton, Albers, & Viets, Inc. to qualify and adopt TIF and Business Districts, and

WHEREAS, the City is desirous of securing technical assistance and expert advice in regard to the drafting of Redevelopment Agreements and other matters relating community planning and economic development, and

WHEREAS, Peckham, Guyton, Albers, & Viets, Inc. is a firm experienced in providing the expert advice necessary for the City of Mattoon is complete its redevelopment goals, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, the Mayor is hereby authorized to engage the services of Peckham, Guyton, Albers, & Viets, Inc. to provide technical assistance and expert advice to the City in these matters, furthermore the Mayor and City Clerk shall execute the attached agreement and other documents as necessary to move forward with this endeavor.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2008-1264, approving the final subdivision plat of Mattoon Marketplace.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2008-1264

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT FOR
MATTOON MARKETPLACE**

WHEREAS, Thompson Thrift Management, Inc. as owner of the following described property:

A tract of land being lot 1 of the RE-PLAT OF OUTLOT 1 OF McFALL/SWORDS COMMERCIAL/RESIDENTIAL DEVELOPMENT and part of Section 17, T-12-N, R-8-E, 3rd P.M., Lafayette Township, Coles County, Illinois:

PARCEL 1:

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW. ¼) OF SECTION 17, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD MERIDIAN, THENCE SOUTH 0°04'38" EAST, ALONG THE ESTABLISHED WEST LINE OF SAID SOUTHWEST QUARTER (SW. ¼), 388.49 FEET ACTUAL (388.8 FEET RECORD) TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ILLINOIS ROUTE #16; THENCE ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT WHOSE RADIUS 5250.03 FEET ACTUAL (5271.30 FEET RECORD), 1524.81 FEET ARC TO THE PLACE OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, ALONG SAID CURVE TO THE RIGHT, 646.04 FEET ARC; THENCE NORTH 89°41'00" EAST, CONTINUING ALONG SAID RIGHT OF WAY LINE, 41.70 FEET; THENCE SOUTH 0°19'00" EAST, 715.03 FEET; THENCE SOUTH 89°41'00" WEST, 640.00 FEET; THENCE NORTH 8°27'31" WEST, 625.77 FEET; THENCE NORTH 36°57'13" EAST, 70.21 FEET TO THE PLACE OF BEGINNING, COLES COUNTY, ILLINOIS, EXCEPT THAT PART OF THE FOLLOWING DESCRIBED REAL ESTATE:

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW. 1/4) OF SECTION 17, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTH 0°04'38" EAST, ALONG THE ESTABLISHED WEST LINE OF THE SAID SOUTHWEST QUARTER (SW. ¼), 388.49 FEET ACTUAL (388.88 FEET RECORD) TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ILLINOIS ROUTE #16; THENCE EASTERLY ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 5250.03 FEET ACTUAL (5271.30 FEET RECORD), 1524.81 FEET ARC TO THE PLACE OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID CURVE TO THE RIGHT, 205.27 FEET ARC; THENCE SOUTH 0°19'00" EAST, 219.54 FEET; THENCE SOUTH 89°41'00" WEST, 226.29 FEET; THENCE NORTH 8°27'31"

WEST, 143.91 FEET; THENCE NORTH 36°57'13" EAST, 70.21 FEET TO THE PLACE OF BEGINNING.

AND

PARCEL 2:

COMMENCING AT AN EXISTING SURVEY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW. ¼) OF SECTION 17, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTH 0°04'38" EAST, ALONG THE ESTABLISHED WEST LINE OF SAID SOUTHWEST QUARTER (SW. ¼), 388.49 FEET ACTUAL (388.8 FEET RECORD) TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ILLINOIS ROUTE #16; THENCE ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT WHOSE RADIUS IS 5250.03 FEET ACTUAL (5271.30 FEET RECORD), 2170.85 FEET ARC; THENCE NORTH 89°41'00" EAST, CONTINUING ALONG SAID RIGHT OF WAY LINE 41.70 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 89°41'00" EAST, CONTINUING ALONG SAID RIGHT OF WAY LINE, 40.00 FEET; THENCE SOUTH 0°19'00" EAST, 755.03 FEET; THENCE SOUTH 89°41'00" WEST, 674.28 FEET; THENCE NORTH 8°27'31" WEST, 40.41 FEET; THENCE NORTH 89°41'00" EAST, 640.0 FEET; THENCE NORTH 0°19'00" WEST, 715.03 FEET TO THE PLACE OF BEGINNING, COLES COUNTY, ILLINOIS.

AND ALSO

LOT 1 OF THE REPLAT OF OUTLOT 1 OF McFALL/SWORDS COMMERCIAL/RESIDENTIAL DEVELOPMENT, PHASE 1, LAFAYETTE TOWNSHIP, COLES COUNTY, ILLINOIS.

has caused said premises to be surveyed and subdivided into a lots as shown on the plat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision to be known as MATTOON MARKETPLACE, City of Mattoon, Coles County , Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which plat is attached hereto as Exhibit "A" and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said plat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon, Coles County, Illinois, has recommended that said plat be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority, that the plat, of **MATTOON MARKETPLACE** to the City of Mattoon, Coles County, Illinois, be hereby approved and that a certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Cline, seconded by Commissioner Schilling, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-849, authorizing the contribution of \$3,000 to the Illinois Eastern Colleges Small Business Development Center with matching funds from DCEO for client counseling on RLF, TIF, and BD applications.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Ordinance 2008-5249, amending the Mattoon Municipal Code to update the Ambulance Service provisions.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2008-5249

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO UPDATE THE AMBULANCE SERVICES PROVISIONS

WHEREAS, the City of Mattoon currently has ordinances that deal with the operation of a ambulance by the City; and

WHEREAS, over the last year the City of Charleston has sent its ambulance to Mattoon to address service issues within the City; and

WHEREAS, the City wishes to provide coverage for ambulance service within the City and end the City's dependence on the ambulance services from the City of Charleston; and

WHEREAS, The City Council has authorized the ordering of a new ambulance; and

WHEREAS, the City wishes to augment and not replace the current private ambulance service serving the City of Mattoon; and

WHEREAS, The City Administration wants to update the Mattoon Code of Ordinances to provide fees appropriate to the services being rendered by the Mattoon Fire Department.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Section 34.55 of Chapter 34 of the Code of Ordinances of the City of Mattoon are hereby repealed. Section 34.55 of Chapter 34 is reenacted as follows:

§ 34.55 MUNICIPAL AMBULANCE SERVICE; EMERGENCY RESCUE SERVICE CHARGES.

- (A) The management and administration of ambulance services is hereby assigned to the Fire Department.
- (B) The Fire Department, through appropriately trained personnel, is hereby authorized to operate and maintain an emergency vehicle for Emergency Basic Life Support Rescue Transport Services.
- (C) The Fire Department shall provide Emergency Basic Life Support Ambulance Rescue Services.
- (D) For Emergency Basic Life Support Rescue Transport Services, which consists of transport from the scene of an incident to Sarah Bush Lincoln Health Center Emergency Room, the following charges shall be paid by persons benefiting from those services:
- (1) Residents of the city shall pay \$230.00 plus \$9.63 per mile from the scene to hospital emergency room
 - (2) Non-residents of the city shall pay \$437.00 plus \$9.63 per mile from the scene to hospital emergency room
 - (3) Disposable medical supplies used in patient treatment by the municipal ambulance service shall be charged to the patient(s) on a current cost basis as shall be determined by the fire chief.
 - (4) The fee for non-emergency standby service to any commercial enterprise shall be seventy five dollars (\$75.00) per hour with the exception of special events authorized by the City Administration or the Mattoon Fire Department and Mattoon Community Unit #2 sporting events.
 - (5) Ambulance fees shall be evaluated on an annual basis and adjusted if deemed necessary by the city.
- (E) The Fire Department, with the advice and consent of the City Treasurer, shall establish billing practices and procedures; develop appropriate internal forms for the administration of the billing system; maintain a system of accounts receivable; render statements for services provided; and, administer the collection of unpaid accounts.
- (F) It is the intention of the City Council that all of the services provided under the authority of this section be deemed "rescue" services as provided in ILCS Ch. 745, Act 10, § 5-101, which states: "Neither a local public entity nor a public employee is liable for failure to establish a fire department or otherwise to provide fire protection, rescue or other emergency service."

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
(in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Schilling moved to adopt Special Ordinance 2008-1265, approving the closing of 16th Street adjacent to the Mattoon Area Family YMCA.

SPECIAL ORDINANCE NO. 2008 -1265

AN ORDINANCE AUTHORIZING THE CLOSURE OF 16TH STREET ADJACENT TO THE MATTOON AREA FAMILY YMCA

WHEREAS, the Mattoon Area Family YMCA (YMCA) has been an integral part of the City, and more specifically the mid-town area, for over twenty years; and,

WHEREAS, two years ago, when the YMCA was exploring the option of moving out of the mid-town area, the City of Mattoon was very vocal in opposition to the move and vowed to support the YMCA in its efforts to expand in its current location; and,

WHEREAS, the YMCA is currently planning an expansion of their facility located at 221 North 16th Street; and,

WHEREAS, due to the size and layout of the land the City leases to the YMCA, the YMCA must utilize land across 16th Street for the parking lot for the expanded facility; and,

WHEREAS, utilizing the land across 16th Street has presented a safety issue for the patrons of the YMCA, especially families with young children and the disabled; and,

WHEREAS, after a public hearing on the issue of closing 16th Street to facilitate a safe environment for the expansion of the Mattoon Area Family YMCA, the City Council finds that is in it in the best interest of the City to encourage the safe expansion of the Mattoon Area Family YMCA by closing 16th Street to through traffic at a point adjacent to the location of the YMCA. This closure will allow safe passage for patrons between the parking lot on the east side of 16th Street and YMCA facility on the west side of 16th Street.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The City Administrator and Public Works Director are directed to work with the YMCA Board of Directors and staff to develop the exact location and design of the infrastructure necessary to close 16th Street to through traffic and provide safe passage for the patrons of the YMCA.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner McKenzie, seconded by Commissioner Schilling, adopted this 4th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin (electronic attendance);
 (in person) YEA Commissioner Hall, YEA Commissioner McKenzie,
 YEA Commissioner Schilling, YEA Mayor Cline.

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 5, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling notified the audience of the preparation of the documents and time spent by Council and staff before Council considered items. Mayor Cline added the involvement of various Advisory Boards' contributions before Council considers items.

Commissioner Schilling seconded by Commissioner Hall moved to adjourn at 7:26 p.m.

Mayor Cline declared the motion carried by the following vote: (electronic attendance) YEA Commissioner Ervin; (in person) YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk